



Crl.O.P.(MD)No.18934 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18934 of 2024

1.P.Bakkiyaraj
2.Radhika

... Petitioners

Vs.

1.State through
The Inspector of Police,
B-3 Theppakulam Police Station,
Madurai City.
Crime No.746 of 2022

2.N.Jegadesh Pandiyan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the entire records connected with the case in Crime No.746 of 2022 pending on the file of the first respondent police station and quash the same.

For Petitioners	: Mr.S.Syed Abdul Hameed Levvai
For R1	: Mr.A.Thiruvadikumar Additional Public Prosecutor
For R2	: Mr.S.Rajasekaran



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ORDER

This Criminal Original Petitions has been filed to quash the First Information Report in Crime No.746 of 2022 on the file of the first respondent Police.

2. The case of the prosecution is that on 19.12.2022 at around 05.00 am., the petitioners and others jointly attacked the second respondent and caused damage to the house to the tune of Rs.50,000/-. Hence, the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.746 of 2022, dated 19.12.2022 for the offences under Sections 147, 148, 324, 427 and 506(2) of IPC and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss), Act, 1992 against the petitioners. Further submitted that this is a case and case in counter. The counter case filed in Crime No.747 of 2022 on the file of the first respondent police.



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4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise, dated 04.09.2024, has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.K.Selvakannan, SSI Police, Theppakulam Police Station, Madurai District, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, the dispute is of personal in nature and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 147, 148, 324, 427 and 506(2) of IPC and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss), Act, 1992,



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considering the facts and circumstances of the case.

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7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in ***(2017) 9 SCC 641*** were taken into consideration.

8. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Crime No.746 of 2022, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.746 of 2022, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 04.09.2024, shall form part and parcel of this order.

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NCC : Yes / No
Index : Yes / No



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To

- 1.The Inspector of Police,
B-3 Theppakulam Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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